*** DES MOINES CITY COUNCIL MEETING REPORT ***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '17-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING
**NEW LOCATION**
Municipal Service Center, Council Chambers
1551 E. M.L. King Jr. Pkwy.
Des Moines, Iowa 50317

December 4, 2017
4:30 PM

I. CLOSED SESSION – Ewing Conference Room 213 - 3:30 PM.

17-2027  (A) Roll Call.  Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.

17-2028  (B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C, of the Iowa Code, to discuss necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City.  Moved by Hensley to adopt.  Motion Carried Upon Roll Call 7-0.

17-2029  (C) Closed Session.

17-2030  (D) Terminate closed session and reconvene in open session.  Moved by Gatto to adopt.  Motion Carried 7-0.

17-2031  (E) Motion to adjourn.  Moved by Gatto to adjourn at 4:20 PM.  Motion Carried 7-0.
SPECIAL PRESENTATIONS – 4:00 PM

Certificate of Recognition, 80 years in business in Des Moines, Diane Lahodny, Campbell’s Nutrition

INVOCATION: Council Member Chris Coleman

17-2032 1. ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.

17-2033 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.

17-2034 3. APPROVING CONSENT AGENDA * – items 3 through 40: Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.

*Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.

LICENSES AND PERMITS

17-2035 4. Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt. Motion Carried 7-0. Council Member Coleman votes No on item J.

NEW APPLICATIONS

(A) MURPHYS 1922 HUBBELL AVE  C Liquor
(B) QUIK TRIP #523R 849 ARMY POST  C Beer

RENEWAL APPLICATIONS

(C) BUFFALO WILD WINGS 3311 SE 14TH ST  C Liquor
(D) EASTGATE LAUNDROMAT 1424 E OVID AVE  B Beer
(E) EL MERENDEROS EVENT 900 E ARMY POST  C Liquor
(F) EXTRA INNINGS 1500 SE 1ST ST  C Liquor
(G) FELIX & OSCARS 4050 MERLE HAY  C Liquor
(H) FONDS PIZZA 223 4TH ST  C Liquor
(I) HY VEE FOOD STORE #2 2540 E EUCLID AVE  E Liquor
*(J) LIME LOUNGE *(1) 435 E GRAND AVE  C Liquor
(K) QUIJANOS BAR & GRILL 1930 SE 6TH ST  C Liquor
(L) SKIPS 4000 FLEUR DR  C Liquor
(M) SMOKE SHOP 1918 SE 14TH ST  E Liquor
(N) STRUDL HAUS 1951 INDIANOLA  C Beer/Wine
(O) TRIANGLE TAP 2506 POST ST  C Liquor
(P) TUMEA AND SONS 1501 SE 1ST ST  C Liquor
(Q) WAVERLY *(1) 2120 INGERSOLL  C Liquor
(R) WEST END WINES 22 9TH ST  C Liquor
SPECIAL EVENT APPLICATION

(§) YOUR PRIVATE BARTENDER 504 E LOCUST ST Five (5) Day License
Class C Liquor License for an event on December 9, 2017. Pending approval of Building and Electrical Departments.

17-2036 4-I  City Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.

17-2037 5. City Clerk to issue Coin Operated Machine Licenses. Moved by Hensley to adopt. Motion Carried 7-0.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

17-2038 (A) 31st Street Reconstruction from I-235 to University Avenue: Receiving of bids, (12-19-17), Setting date of hearing, (1-8-18). Engineer’s estimate, $880,000. (Council Communication No. 17-825) Moved by Hensley to adopt. Motion Carried 7-0.

17-2039 (B) Municipal Service Center Demolition Contract 1: Receiving of bids, (12-19-17), Setting date of hearing, (1-8-18). Engineer’s estimate, $2,800,000. Moved by Hensley to adopt. Motion Carried 7-0.

(Council Communication No. 17-832)

17-2040 7. Approving Supplemental Agreement No. 1 to the Agreement for Professional Services with RDG IA, Inc., d/b/a RDG Planning and Design for the City Hall, Armory, and Police Station Façade Improvements. Moved by Hensley to adopt. Motion Carried 7-0.

17-2041 8. Professional Services Agreement with Substance, LLC for design and construction phase services for the Columbus Park Shelter Renovation, not to exceed $58,600. (Council Communication No. 17-826) Moved by Hensley to adopt. Motion Carried 7-0.

17-2042 9. Approving Professional Services Agreement with HDR Engineering, Inc. for master planning and an infrastructure analysis for the Market District Study, not to exceed $452,747. (Council Communication No. 17-831) Moved by Hensley to adopt. Motion Carried 7-0.

17-2043 10. Authorizing the execution of the Revision to Programmatic Agreement with the Iowa Department of Natural Resources (DNR), Iowa State Historical Preservation Office (SHPO), and the Iowa Office of the State Archaeologist regarding the Des Moines Sewer Separation Project. (Council Communication No. 17-829) Moved by Hensley to adopt. Motion Carried 7-0.
17-2044 11. **Approving** private construction contract between Alliance Construction Group, LLC and Birdland Vista, LLC for paving improvements in Birdland Vista, vicinity of Oxford and E. Holcomb Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

17-2045 12. **Communication** from contractors requesting permission to sublet certain items of Public Improvement Projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

13. Accepting completed construction and approving final payment for the following:

17-2046 (A) **2016** Skywalk HVAC Replacement, Stroh Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

17-2047 (B) **Yeader** Creek Grade Control Improvements, RW Excavating & Dozing, LC. **Moved by Hensley to adopt. Motion Carried 7-0.**

17-2048 (C) **George** Flagg Parkway Resurfacing from Park Avenue to SW 30th Street, Grimes Asphalt and Paving Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

**SPECIAL ASSESSMENTS**

17-2049 14. **Approving** deletion of Rental Inspections Assessment at 112 11th Street, Unit 408. **Moved by Hensley to adopt. Motion Carried 7-0.**

17-2050 15. **Levying** assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2017-09. **Moved by Hensley to adopt. Motion Carried 7-0.**

**LAND/PROPERTY TRANSACTIONS**

17-2051 16. **Approving** tax abatement applications for the additional value added by improvements completed during 2017 (142 applications). **(Council Communication No. 17-822) Moved by Hensley to adopt. Motion Carried 7-0.**

**BOARDS/COMMISSIONS/NEIGHBORHOODS**

17-2052 17. **Approving** recommendation from Council Member Christine Hensley to reappoint Kimberly Hansen to the Housing Services Board, Seat 6, for a three-year term commencing June 30, 2017 and to expire June 30, 2020. **Moved by Hensley to adopt. Motion Carried 7-0.**

17-2053 18. **Communication** from Jo Anne Corigliano advising of her resignation from the Plan and Zoning Commission, Seat 15, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**
17-2054  (A) **Approving** recommendation from Council Member Joe Gatto for appointment of Chris Cutler to the Plan and Zoning Commission, Seat 15, for a five-year term commencing July 1, 2013 and to expire July 1, 2018. **Moved by Hensley to adopt.**  
**Motion Carried 7-0.**

17-2055  19. **Recommendation** from Council Member Christine Hensley to appoint Joel Aschbrenner to the Historic Preservation Commission, Seat 9, for a 3-year term commencing October 18, 2017 and to expire October 18, 2020. **Moved by Hensley to adopt.**  
**Motion Carried 7-0.**

17-2056  20. **Receive** and file communication of Historic Preservation Commission regarding the long term success of the museum at Fort Des Moines.  
**Moved by Gatto to adopt; refer to the City Manager for review and recommendation regarding options for restoration/preservation of the museum and artifacts.**  
**Motion Carried 7-0.**

**COMMUNICATIONS FROM PLANNING AND ZONING**

17-2057  21. **Regarding** request for vacation of a segment of Falcon Drive between 15th Street and 16th Street, south of Walnut Street, adjoining the property at 1514 Walnut Street to allow the property to be assembled with the existing Exile Brewing site.  
**Moved by Hensley to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.**  
**Motion Carried 7-0.**

17-2058  (A) **Setting** date of hearing on vacation of a portion of Falcon Drive and adjoining north-south alley right-of-way between 15th and 16th Street, south of Walnut Street adjoining 1514 Walnut Street and conveyance of said vacated right-of-way and other excess City property to Exile Brewing Company, $3,240, (12-18-17).  
**Moved by Hensley to adopt.**  
**Motion Carried 7-0.**

17-2059  22. **Regarding** City-initiated request for vacation of right-of-way in the vicinity of SE 22nd Street and Shaw Street to be sold to Kemin Industries, Inc. for the proposed expansion of their home office, research, and manufacturing facilities campus.  
**Moved by Hensley to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.**  
**Motion Carried 7-0.**

17-2060  (A) **Setting** date of hearing on vacation of City right-of-way bounded by Martin Luther King, Jr. Parkway on the north, Maury Street on the south, SE 23rd Street on the east, and the Union Pacific Railroad right-of-way on the west and conveyance of said vacated right-of-way and other excess City property within said boundary to Kemin Holdings, LC, $455,402, (12-18-17).  
**Moved by Hensley to adopt.**  
**Motion Carried 7-0.**
SETTING DATE OF HEARINGS

17-2061 23. On vacation of north-south and east-west alley right-of-way in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street, and conveyance of portions of the vacated alleys to Galway Homes, Inc., $275, Zachary A. Powell, $25, Layla Kimmel, $25, (12-18-17). Moved by Hensley to adopt. Motion Carried 7-0.

17-2062 24. On authorization of a Loan Agreement and Issuance of not to exceed $95,000,000 General Obligation Refunding Capital Loan Notes, (12-18-17). (Council Communication No. 17-835) Moved by Hensley to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

17-2063 25. Approving payment of billing from Kenworthy Law, PC for matters related to construction disputes, $13,433. Moved by Hensley to adopt. Motion Carried 7-0.

17-2064 26. Approving settlement and payment to Allen Wagner for workers’ compensation claim. Moved by Hensley to adopt. Motion Carried 7-0.

17-2065 27. Approving settlement and payment to Team Two, Inc. for contract disputes. Moved by Hensley to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

17-2066 28. Submitting travel and training request for Michael DeMoss. (Council Communication No. 17-836) Moved by Hensley to adopt. Motion Carried 7-0.

APPROVING

17-2067 29. Pre-application to the Iowa Department of Agriculture and Land Stewardship (IDALS) for a Water Quality Initiative Targeted Demonstration Watershed Project Grant on City-owned land. (Council Communication No. 17-817) Moved by Hensley to adopt. Motion Carried 7-0.

17-2068 30. Standards of Apprenticeship for the Wastewater Treatment Plant Operator as adopted by the City of Des Moines and the Central Iowa Public Employees Council (CIPEC) and approved by the United States Department of Labor - Office of Apprenticeship. (Council Communication No. 17-820) Moved by Hensley to adopt. Motion Carried 7-0.
31. **Participation** in a Joint Powers Agreement and Declaration of Trust for the Iowa Public Agency Investment Trust (IPAIT), authorizing investments through the Fixed Term Automated Investment Program of IPAIT and authorizing IPAIT to designate and name depositories.  *(Council Communication No. 17-834)* Moved by Hensley to adopt. Motion Carried 7-0.

32. Abatement of public nuisances at the following addresses:

   17-2070 (A) **3309** 6th Avenue.  Moved by Hensley to adopt.  Motion Carried 7-0.

   17-2071 (B) **2943** Capitol Avenue.  Moved by Hensley to adopt.  Motion Carried 7-0.

   17-2072 (C) **2203** E. 14th Street.  Moved by Hensley to adopt.  Motion Carried 7-0.

   17-2073 (D) **2804** E. 37th Court.  Moved by Hensley to adopt.  Motion Carried 7-0.

   17-2074 (E) **1234** Martin Luther King Jr. Pkwy.  Moved by Hensley to adopt.  Motion Carried 7-0.

   17-2075 (F) **2329** Saylor Road.  Moved by Hensley to adopt.  Motion Carried 7-0.

33. An exception to the procurement ordinance competitive process requirements for good cause and approving an agreement with Johnston Consulting, LLC for Medical Director Services for Fire Department Emergency Medical Services.  *(Council Communication No. 17-813)* Moved by Hensley to adopt.  Motion Carried 7-0.

34. Bids from the following:

   17-2077 (A) **Stivers** Ford (Scott Politte, General Manager), Stew Hanson Dodge City (Dan Boettcher, General Manager) and Dewey Ford (Dan Boettcher, General Manager) for forty-three (43) replacement vehicles and one additional to the fleet for use by various departments per State of Iowa Contracts for use by the Equipment Maintenance Center, $1,054,391.  *(Council Communication No. 17-823)* Moved by Hensley to adopt.  Motion Carried 7-0.

   17-2078 (B) **Beautiful** Lawn by Long’s LLC (Brandon Long, Owner), ADA Mowing (Joel Huggins, Owner), Hyde Mowing & Snow Removal LLC (Sharon Hyde, Owner) and Stamper Lawn Care (Cody Stamper, Owner) for a two (2) year contract with three (3) additional one-year renewal options to furnish City-wide mowing and trimming services for use by the Parks & Recreation Department, annual estimated costs $773,721 with price increases complying with agreement terms. (Eighteen (18) potential bidders, five received).  *(Council Communication No. 17-818)* Moved by Hensley to adopt.  Motion Carried 5-2.  Nays: Cownie and Moore.
35. Civil Service Entrance List for Compensation Specialist.  Moved by Hensley to receive and file.  Motion Carried 7-0.

36. Authorizing Finance Director to draw checks on registers for the weeks of December 4 and 11, 2017; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 4 and 11, 2017; and to draw checks for biweekly payroll due on December 8, 2017.  Moved by Hensley to adopt.  Motion Carried 7-0.

ORDINANCES - FINAL CONSIDERATION

37. Rezone the property at 1916, 1920 and 1924 Merle Hay Road from “R1-60” (One Family Low-Density Residential) to Ltd. “R-3” (Multiple-Family Residential).  Moved by Hensley that this ordinance do now pass, #15,628.  Motion Carried 7-0.

ORDINANCES - SECOND CONSIDERATION

38. Amending Chapter 2 of the Municipal Code regarding procurement.  Moved by Hensley that this ordinance be considered and given second vote for passage.  Motion Carried 7-0.

(A) Final consideration of ordinance above (waiver requested by the City Manager), requires six votes.  Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,629.  Motion Carried 7-0.

39. Amending Chapter 114 of the Municipal Code regarding rates for Saturday parking and removing special night parking rates.  Moved by Hensley that this ordinance be considered and given second vote for passage.  Motion Carried 7-0.

40. Rezone property at 1159 24th Street from Ltd. “NPC” (Neighborhood Pedestrian Commercial) to revised Ltd. “NPC” (Neighborhood Pedestrian Commercial).  Moved by Hensley that this ordinance be considered and given second vote for passage.  Motion Carried 7-0.

(A) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.  Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,630.  Motion Carried 7-0.

* * * * * * * END CONSENT AGENDA * * * * * * * *
ORDINANCES - FIRST CONSIDERATION

17-2087  41. Dissolving the Sherman Hill Historic Street Lighting Self-Supported Municipal Improvement District (SSMID), requires six votes. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

17-2088  (A) Final consideration of ordinance above (waiver requested by the City Manager), requires six votes. Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,631. Motion Carried 7-0.

17-2089  (B) Resolution regarding the Sherman Hill Neighborhood Historic District and the Sherman Hill Self-Supported Municipal Improvement District (SSMID), to identify that all property zoned for residential uses within the SSMID is also located within the Historic District. Moved by Hensley to adopt. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

17-2090  42. From Nancy Holmes, 662 39th Street, to speak regarding responsibilities of bike riders on City streets. Moved by Coleman to receive and file comments. Motion Carried 7-0.

17-2091  43. From Terry and Sharon Sparks, 2737 E. Leach Avenue, to speak regarding the Easter Lake trail connections. Moved by Gatto to receive and file documents and comments. Motion Carried 7-0.

APPROVING

17-2092  44. Receive and file the Connect Downtown Study and refer to the Plan and Zoning Commission for consideration as an element of PlanDSM and refer to the City Manager for recommendation of funding options. (Council Communication No. 17-827) Moved by Hensley to adopt. Motion Carried 7-0.

17-2093  45. Resolution of the City of Des Moines, Iowa providing notice to the Polk County, Iowa Commissioner of Elections regarding submission of the question of imposition of a Local Option Sales and Services Tax (LOSST) to registered voters of the City of Des Moines, Polk County, Iowa. (Council Communication No. 17-837) Moved by Coleman to adopt. Motion Carried 7-0.

17-2094  (A) Communication from Ron Gray, 2505 30th Street, to speak in opposition to proposed local option sales tax. Moved by Coleman to receive and file documents and comments. Motion Carried 7-0.
46. **Amending** the PlanDSM: Creating Our Tomorrow Plan future land use map designation from Business Park and Neighborhood Mixed Use to Low Density Residential for property generally located west of the Des Moines International Airport; west of SW 46th Street; east of SW 63rd/Iowa Highway 28; south of Thornton Avenue; and north of Willow Creek Avenue. **Moved by Hensley to adopt and approve the proposed amendment and address the need for a noise/vision buffer during the site plan review process. Motion Carried 7-0.**

47. **Revised** Downtown Parking Strategy. (Council Communication No. 17-828) **Moved by Hensley to adopt. Motion Carried 7-0.**

48. **Receive** and file the Police/IT Facility Planning Study and refer to the City Manager to cooperate with environmental cleanup and analyze possible acquisition of the DICO property. (Council Communication No. 17-833) **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Gatto and Moore.**

48-I **Agreement** with Polk County Conservation Board for Easter Lake Dredging and Ewing Park Restoration Prairie. (Council Communication No. 17-819) **Moved by Gatto to adopt. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 49 THRU 53)

49. **On** adoption by reference of the 2017 National Electrical Code. (Council Communication No. 17-821) **Moved by Gatto to adopt. Motion Carried 7-0.**

(A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(B) **Final** consideration of ordinance above (waiver requested by Community Development Director), requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,632. Motion Carried 7-0.**

50. Number not used.

51. **On** appeal of the Street Use Team’s decision to deny a Street Use Permit to Kevin Bourke
with the Iowa Sports Foundation for the Dam Iowa Race ½ Marathon and 5K on June 1, 2019.  (Council Communication No. 17-814) Moved by Hensley to affirm the decision of the Street Use Team and issue the permit to RipRoar Events, LLC.  Motion Carried 6-1.  Nays: Cownie.

17-2103

52.  On vacation and lease of a portion of Martin Luther King Jr. Parkway right-of-way located east of and adjoining Woodland Cemetery to Woodland Heights Organization, $1,000.  (Council Communication No. 17-830) Moved by Hensley to adopt.  Motion Carried 7-0.

17-2104

(A) First consideration of ordinance above.  Moved by Hensley that this ordinance be considered and given first vote for passage.  Motion Carried 7-0.

17-2105

(B) Final consideration of ordinance above (waiver requested by Woodland Heights Organization), requires six votes.  Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,633.  Motion Carried 7-0.

17-2106

53.  On request from Atlantic Bottling Co. regarding the Second Amendment to the Airport Business Park Phase II PUD Conceptual Plan (3600 Army Post Road) to allow an 18-foot tall freestanding pole sign with four 36-square foot internally illuminated sign faces, and to allow up to a 300-square foot internally illuminated wall mounted sign on the south façade.  Moved by Hensley to adopt.  Motion Carried 5-2.  Nays: Gray and Moore.

*** END OF HEARINGS AT 5:40 PM ***

17-2107

MOTION TO ADJOURN.  Moved by Gatto to adjourn at 6:51 PM.  Motion Carried 7-0.

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Des Moines
All-America City